

REMARKS

Claims 1 to 86 were pending in the application at the time of the office action. Claims 1 to 4, 10 to 13, 19 to 22, 28, and 30 to 32 remain rejected for obviousness type double patenting. Claims 1, 10, 19 and 28 remain rejected as anticipated. Claims 2 to 9, 11 to 18, 20 to 27 and 29 to 86 remain rejected as obvious.

With respect to the obviousness-type double patenting rejection, the rejection is moot because U.S. Application Serial No. 10/243,355 is no longer pending.

Claims 1, 10, 19, 28 are amended to make explicit the order of the recited processes, which was implicit when the claims were interpreted in view of the specification as required by the MPEP. Also, in Claims 1, 10, 19, 28 33, 50, 67 and 84, the user device is amended to end-user device, which is the user device described in the specification and shown in the drawings. Claims 67 and 84 are also amended to correct an antecedent basis informality.

Claim 50 is also amended to correct an informality introduced by a prior amendment.

Claims 1, 10, 19, and 28 remain rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0208681, hereinafter referred to as Muntz. Applicant respectfully traverses the anticipation rejection of each of these claims.

The MPEP requires:

"The identical invention **must be** shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements **must be** arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. (Emphasis Added.)

MPEP § 2131, 8th Ed., Rev. 6, p. 2100-67 (August 2007).

The rationale for maintaining the rejection stated in part:

To communicate via network, the metadata server is required to identify the client as recipient of data, otherwise a network connection to transmit data cannot be established. In addition, per paragraph 32, the client 105 and Metadata server authenticate each other. This explicitly shows that the Metadata server identifies the client 105.), one or more delivery parameters, said one or more delivery parameters identifying a target device to receive said digital content (the block list and the token determine access parameters and credentials of the user and the client device); wherein said one or more delivery parameters is used to determine said target device (as mentioned above, the content provisioner determines delivery parameters which identify the target. Therefore, the delivery parameters are used to identify the target. In addition, per paragraph 32, the token includes credentials, such as operation type(s) authorized for the client. The token is generated by the metadata server. If the token identifies the operations allowed by the client, it must also identify the client, and is used to identify the client. Note that per parag. 13, client 105 may include computer or computer systems.); and sending, by said content provisioner, said authenticated digital content request including said one or more delivery parameters (paragraph 19)

The rejection confuses multiple aspects of Muntz as well as Applicant's claims. First, the claims recite that it is the end-user that must be authorized to access the digital content for creation of the authenticated digital content request. In contrast, Muntz is dealing with clients which the rejection notes are "computer or computer systems," which are devices. The claim clearly distinguishes between an end-user and an end-user device. This distinction alone is sufficient to overcome the anticipation rejection.

Further, the claims recite "said authenticated digital content request including said one or more delivery parameters." Assuming the rejection is correct, the rejection extracts data that is used to establish a network connection between the client and the Meta server of Muntz and characterizes this data as delivery parameters.

Thus, confuses network protocols used in establishing communications between devices on a network with processes used in creating the authenticated digital content request by a content provisioner based on characteristics of an end-user and not some client device.

The rejection further mischaracterizes the token of Muntz as having properties that are neither taught nor suggested by Muntz. Muntz taught that the token was a validation mechanism used by the block server and not delivery parameters associated with a target device as recited in these claims. Moreover, inferring anything about the token other than that which is specifically described is improper because Muntz fails to provide sufficient detail to support the inference. Therefore, the fact that the token may include operations types authorized for the client does support the inferences made in the rejection.

Thus, the explicit claim limitation concerning what is included in the authenticated digital content request has been reduced to simply either something in a network protocol or a token used in validating a client by a server. This level of analysis fails to comply with the MPEP as quoted above. Thus, each of Claims 1, 10, 19, and 28 distinguish over Muntz for multiple reasons. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 10, 19, and 28.

Claims 2 to 9, 11 to 18, 20 to 27, and 29 to 86 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muntz and official notice for each of the claims. The rejection stated:

(Muntz teaches identification of the resource to be accessed using a token and a block list as identified in rejection of claim 1. Examiner takes the official notice that a common and widely practice mechanism to identify a resource and credentials needed to access the resource is using URLs and tokenized URLs. It would have been obvious to a person skilled in art to use a tokenized URL as a mechanism to implement Muntz block list and token).

The rationale for continuing the rejection stated:

However, Examiner has taken the Official Notice that general methods of token generation, such as token pools were well known in the art at the time of invention. The claimed invention does not identify specific details of token generation using token pools that is distinguishable from general method of token generation. . . . Examiner takes the Official Notice that use of URLs and Tokenized URLs to identify the location of data in a resource were well known at the time of invention. Therefore, it would have been obvious to create a tokenized URL in order to use

it to identify the location of data (token). Note once again that identifying the location of data is the primary purpose of URLs and Tokenized URLs, as exemplified by their extended in the World Wide Web.

The MPEP requires that the references and the claims be considered as a whole in an obviousness rejection. *"A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention."* (Emphasis in original) MPEP § 2141.02 VI., 8th Ed., Rev. 6, pg. 2100-126, (Sept. 2007). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious." MPEP § 2141.02 I., 8th Ed., Rev. 6, pg. 2100-123, (Sept. 2007).

The rejection reduces Claim 2 down to "to create a tokenized URL in order to use it to identify the location of data (token)." However, this level of analysis considers the differences themselves and not the claims as a whole. The processes of Claim 2 are part of creating a specific authenticated digital content request. The rejection has still not addressed how a block list would be used with such a URL. Also, the general knowledge of tokens and token pools fails to teach or suggest anything concerning a process on a content provisioner. Moreover, Muntz taught that such pools were unnecessary and so teaches away from the purported modification.

Using a tokenized URL to identify a location of data fails to suggest anything about how such a URL came into existence and in particular the combination of Claims 1 and 2. A same or equivalent limitation is found in each of Claims 11, 20 and 30. Moreover, even if the combination were correct, the combination fails to correct the deficiency of Muntz as noted with respect to the independent claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 2, 11, 20 and 30.

Claims 3 and 4 depend from Claim 2. Claims 12 and 13 depend from Claims 11. Claims 21 and 22 depend from Claim 20. Claims 31 and 32 depend from Claim 30. Thus, each of Claims 3, 4, 12, 13, 21, 22, 31, and 32 distinguishes over the combination of references for at least the same reasons as the claims from which it depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 3, 4, 12, 13, 21, 22, 31 and 32.

Claim 5 depends from Claim 1; Claim 14 from Claim 10; Claim 23 from Claim 19; and Claim 29 from Claim 28. Thus, each of Claims 5, 14, 23 and 29 distinguishes over the combination of references for at least the same reasons as the independent claim from which each depends. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 5, 14, 23 and 29

With respect to Claim 6 to 9, 15 to 18, and 24 to 27, the rejection again confuses network protocols with the higher level processes such as those recited in these claims. A MAC address used in establishing a network connection is wholly unrelated to the processes recited in Claim 6. Yet again, the rejection considered only the differences and not the claim as a whole.

Claim 7 to 9 further define the delivery parameters of Claim 1; Claims 15 to 18, the delivery parameters of Claim 10; and Claims 24 to 27, the delivery parameters of Claim 19. As previously pointed out in an obviousness rejection, the reference must be considered as a whole. Muntz taught that keys were not transmitted to the client as asserted in the rejection and rather "Servers 214, 216 may negotiate the session key and the security parameters associated with it (e.g., algorithms, life time, etc.)." Muntz, paragraph [0028]. There has been no teaching or citation of why one of skill would do something different than that taught by Muntz. In fact, Muntz clearly had the knowledge relied upon in the official notice and chose not to utilize that information, as one of skill in the art. In addition, as noted above with respect to Claims 1, 10 and 19, and incorporated herein by reference, Muntz fails to teach

anything concerning delivery parameters for a target device. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 6 to 9, 15 to 18 and 24 to 27.

With respect to Claim 33, 50, 67 and 84, the rejection takes the position that since session keys are known, this general knowledge of a session key renders all processes for generating a session key obvious. For example,

However, the specific limitations mentioned by the applicant are determining the target key based on a target ID identifying the target device, or applying a cryptographic process to a first key and the content request to get the session key. Therefore, the cited limitations refer to creating a session key based on a combination of other keys (parameters) using a cryptographic process. Examiner has taken the official notice that this process is well-known to the one skilled in art. In other words combination of several parameters associated with the elements of an authentication process, such as the identification of the target system or the received request, was broadly used and practiced before the time of invention. As an example, see section page 175 of the text book "Applied Cryptography" by B. Schneier, a copy of which was included with the Final Office Action.

The rejection fails to cite any teaching in Muntz of how the session key is generated and instead relies upon a mischaracterization of Schneier to justify the rejection. Again, the inputs in Schneier are not two keys as asserted in the rejection, but rather a timestamp T_i and another variable V , a secret 64-bit seed. Accordingly, the rejection continues to over generalize and mischaracterize Schneier.

No teaching was cited in Muntz of determining a session key if said authenticated digital content request is valid.

Rather, the session key was used to authenticate the client by the block server. In contrast, the session key is used by the by content repository to encrypt the digital content. There has been no showing of such processes in Muntz.

Moreover, using a timestamp and the seed as inputs to the process to generate a key teaches away from the process recited in this claim. Yet again, the rejection has failed to consider the claim as a whole and instead uses

unsupported generalizations to reject the claim. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 33, 50, 67 and 84.

Applicant respectfully notes that Claims 34 to 49, 51 to 66, 68 to 83, 85 and 86 the rejection again cited to the differences and not the claims as a whole. Further, for example, the rejection has not cited any suggestion of:

receiving a token;
indicating said token is invalid if said token is not found within a token pool associated with said digital content or if said token has been fully redeemed, said token being fully redeemed if the number of token redemptions equals a predetermined amount; and
incrementing a token redemption count associated with said token and indicating said token is valid if said token is found within said token pool and said token has not been fully redeemed.

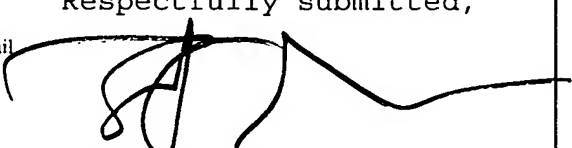
as recited in Claim 41, for example, and instead relies upon generalities to reject the specific claim limitations on how a token is declared valid or invalid. The claims have simply been reduced to a gist and the explicit limitations ignored. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 34 to 49, 51 to 66, 68 to 83, 85 and 86.

Claims 1 to 86 remain in the application. Claims 1, 10, 19, 28, 33, 50, 67 and 84 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 1, 2008.

Respectfully submitted,


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